

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Bail Appl..No. 926 of 2007()

CRIME NO.6/07 OF EXCISE RANGE, KUNNAMANGALAM

PETITIONER/ACCUSED

**SANTHAMMA MOHANAN,
W/O.MOHAN, VATTAKAKVIL, KADALUNDI AMSOM DESOM,
KOZHIKODE.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT AND STATE

**1. EXCISE INSPECTOR,
KUNNAMANGALAM EXCISE RANGE,
KUNNAMANGALAM.**

**2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21/02/2007, THE COURT ON 19/02/2007 PASSED THE
FOLLOWING:**

V. RAMKUMAR, J.

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B.A. No. 926 OF 2007 A
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Dated this the 19th day of February, 2007

O R D E R

The petitioner, a lady, who is the accused in C.R. No.6/2007 of Kunnamangalam Excise Range seeks anticipatory bail on the allegation that what she was having is only the juice of a domestic fruit called 'rose apple' meant for her husband.

2. The learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner was found in possession of 2.5 litres of illicit arrack in her house on 5.2.2007 and that prima facie an offence punishable under section 8(1) and 8(2) of the Abkari Act is attracted.

3. It is too early to accept the petitioner's version of the occurrence. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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